

Title	Probate Rules: New Rule on Trusts (adopt Cal. Rules of Court, rule 7.902); Amended Rules on Bonds and Screening Forms (amend rules 7.201, 7.1001, and 7.1050)
Summary	A new rule concerning trusts would be added to the Probate Rules. Amendments would be made to the rules on bonds and on the confidential screening forms used in guardianship and conservatorship proceedings.
Source	Probate and Mental Health Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel (415-865-7665)
Discussion	<p>A new probate rule would be added to the California Rules of Court.</p> <p><i>1. Rule 7.902 (Beneficiaries to be listed in petitions and accounts)</i></p> <p>Rule 7.902 would require that all petitions and accounts state the names and last known addresses of all vested or contingent beneficiaries, including all persons in being who may or will receive income or corpus of the trust.</p> <p>(In addition to these two rules, new rules on minors' compromises are also being proposed. The rules on minors' compromises are discussed in a separate proposal.)</p> <p>Three current rules would be amended.</p> <p><i>2. Rule 7.201 (Waiver of Bond in Will)</i></p> <p>Rule 7.201(a) would be amended to eliminate the provision that a petition need not specify the character and value of the property of the estate or the probable income unless the personal representative lives out of state. This provision would be deleted because it is inconsistent with Probate Code section 8002(a)(4).</p> <p><i>3. Rules 7.1001 and 7.1050 (Screening Forms)</i></p> <p>Rule 7.1001(a) requiring proposed guardians to submit confidential screening forms would be amended to indicate that this requirement does not apply to public guardians. The type of information sought in the form does not concern public guardians.</p> <p>Rule 7.1001(b) would be deleted because it is not necessary for the rule</p>

to explain the use of the screening form. This information is contained in the form itself.

Rule 7.1050(a) on proposed conservators would be amended to indicate that confidential screening forms need not be submitted by public guardians, banks, or trust companies. The information sought in the form does not concern them. However, the rule would require every petitioner, unless the petitioner is a bank or other entity entitled to conduct the business of a trust company, to submit the *Confidential Supplemental Information* form (Form GC-312). The statute requires every petitioner to submit this supplemental information about a conservatee. (See Probate Code, § 1821(a).)

Rule 7.1050(b) would be deleted because it is not necessary for the rule to explain the use of the screening form. This information is contained in the form itself.

PROPOSED PROBATE RULES

New rule 7.902 would be added to the California Rules of Court and rules 7.201, 7.1001, and 7.1050 would be amended, effective January 1, 2002, to read:

TITLE SEVEN. Probate Rules

Chapter 5. Bonding of Personal Representatives, Guardians, Conservators, and Trustees

Rule 7.201. Waiver of bond in will

(a) [Statement of waiver in petition] If the will waives bond, the petition for letters shall must so state and need not specify the character and estimated value of the estate and the probable income unless the personal representative lives out of state.

(b) * * *.

Chapter 19. Trusts

Rule 7.902. Beneficiaries to be listed in petitions and accounts

All petitions and accounts involving a trust must state the names and last known addresses of all vested or contingent beneficiaries, including all persons in being who may or will receive income or corpus of the trust, subject to Chapter 2 (commencing with section 15800) of Part 3, Division 9 of the Probate Code.

Chapter 21. Guardianships

Rule 7.1001. Guardian screening form

(a) [Screening form to be submitted with petition] Each proposed probate guardian, except a public guardian, shall ~~must~~ submit to the court with the petition for appointment of guardian a completed *Confidential Guardian Screening Form* (GC-212).

~~(b) [Use of form] The information on the Confidential Guardian Screening Form shall be used by the court and by persons or agencies designated by the court to assist the court in determining whether a proposed guardian should be appointed.~~

1 ~~(e)~~**(b) [Form to be confidential]** The *Confidential Guardian Screening Form* and
2 the information contained on the form are confidential. The clerk's office ~~shall~~
3 must maintain these forms in a manner that will protect and preserve their
4 confidentiality.

6 Chapter 22. Conservatorships

8 Rule 7.1050. Conservator forms

10 **(a) [Forms to be submitted with petition]** Each ~~proposed conservator~~ petitioner,
11 unless the petitioner is a bank or other entity entitled to conduct the business of a
12 trust company, shall must submit to the court with the petition for appointment of
13 conservator ~~a completed Confidential Conservator Screening Form (GC-314), and~~
14 a completed *Confidential Supplemental Information* form (GC-312). In addition,
15 each proposed conservator, except a bank, trust company, or public guardian,
16 must submit a completed Confidential Conservator Screening Form (GC-314).

18 ~~**(b) [Use of form]** The information on the Confidential Conservator Screening~~
19 ~~*Form* shall be used by the court and by persons or agencies designated by the~~
20 ~~court to assist the court in determining whether a proposed conservator should be~~
21 ~~appointed.~~

23 ~~(e)~~**(b) [Forms to be confidential]** The *Confidential Conservator Screening Form*,
24 the *Confidential Supplemental Information* form, and the information contained
25 on these forms are confidential. The clerk's office ~~shall~~ must maintain these forms
26 in a manner that will protect and preserve their confidentiality.